

EXHIBIT B



IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION

Civil Action No. 07CV3626

JAMES JIRAK and
ROBERT PEDERSON,
Plaintiffs

vs

ABBOTT LABORATORIES, INC.,
Defendant

DEPOSITION OF: ELIZABETH BEELE, taken
before M. Virginia Lanou, Notary
Public-Stenographer, pursuant to the
Massachusetts Rules of Civil Procedure, at
the SPRINGFIELD MARRIOTT, Hampshire Room,
2 Boland Way, Springfield, Massachusetts, on
August 12, 2009 at 10:00 a.m.

APPEARANCES: See second page

M. Virginia Lanou
Court Reporter

1 APPEARANCES:

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10 **BY: EMMY H. KOH, ESQUIRE**

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1 were not conducive to a good working relationship.

2 Q. Okay. And you mentioned that you felt tight
3 control over what you could or could not do. Could you
4 describe what you mean by that?

5 A. Well, what you could do was exactly what they
6 wanted you to do. And to -- what's the word I'm looking
7 for? To stray, I guess, from that exact message and
8 that wording was not anything that was allowed.

9 Q. You mentioned this message that you had to
10 convey and you mentioned that there are two drugs,
11 Onmicef and Tricor, that you were responsible for. Was
12 there a message for each of these drugs that you had to
13 convey to the doctors?

14 A. Yes.

15 Q. Do you remember what message you had to convey
16 for Omnicef?

17 A. No.

18 Q. When you say that you had to convey a certain
19 message about the drug, where did you learn this message
20 from?

21 A. In that training that we talked about.

22 Q. The initial training that we discussed earlier?

23 A. Correct.

1 **Q. Do you remember when you would begin your**
2 **workday when you were a representative at Abbott,**
3 **approximately what time?**

4 A. Probably, I don't know, 7:30, eight o'clock.

5 **Q. What would be the first thing that you would do?**

6 A. I'm not a hundred percent sure exactly what the
7 step-by-step procedure was every day but you did have to
8 turn on the computer and that probably would be the
9 first step.

10 **Q. What would you do on a computer?**

11 A. You would get information from the computer as
12 to your call list and your plan of action for the day.

13 **Q. Would you pull up a call list?**

14 A. I don't recall.

15 **Q. Is a call list something that you developed?**

16 A. Which physicians to call on?

17 **Q. Right.**

18 A. That is something that the company decided who
19 you would call on.

20 **Q. So the company would provide you a call list?**

21 A. Right.

22 **Q. Do you remember when you would receive a call**
23 **list from the company, would it be once a year, once a**

1 **Q. Do you know why that was?**

2 A. Probably they ran out of samples a lot faster.

3 **Q. Any other reasons?**

4 A. Let me think. I think that's the reason I can
5 think of.

6 **Q. Did certain doctors prescribe Tricor and Omnicef**
7 **more than others?**

8 A. Some wrote more prescriptions. Is that what
9 you're asking?

10 **Q. Yes.**

11 A. Some doctors wrote more prescriptions for those
12 two drugs than others, yes.

13 **Q. Were you provided that information in terms of**
14 **their prescribing habits?**

15 A. Yes.

16 **Q. Did you ever use that information to target**
17 **those doctors in a specific way versus doctors who were**
18 **not writing as many prescriptions?**

19 A. Well, they would be -- the company would have
20 that requirement on the call plan. So we were visiting
21 them, you know, more frequently than other physicians
22 who did not write as many preparations.

23 **Q. So you would visit doctors who wrote more**

1 **ability to negotiate prices for Abbott products?**

2 A. No, I did not.

3 **Q. Earlier on in your deposition you talked about**
4 **core message for Omnicef. Do you remember that?**

5 A. Yes.

6 **Q. Did you have any input into the development of**
7 **the core messages for Omnicef?**

8 A. No, I did not.

9 **Q. Do you know who developed those core messages?**

10 A. I'm not sure. Marketing team. I'm not sure
11 exactly. I think it would be the marketing department
12 would be my understanding.

13 **Q. There was also testimony earlier about core**
14 **messages for Tricor. Do you recall that?**

15 A. Do I recall that I said that?

16 **Q. Yes.**

17 A. Yes, there was a core message.

18 **Q. Did you have any role in the development of the**
19 **core message for Tricor?**

20 A. No, I did not.

21 **Q. Again, same question as to Omnicef. Do you know**
22 **who developed those core messages for Tricor?**

23 A. No, I don't know. Home office marketing

1 reflected that territories that were not manned by a
2 pharmaceutical rep were performing better in territories
3 in which there were reps?

4 A. Yes.

5 Q. Earlier on we were talking about the budget that
6 you had to use for various programs. Do you recall that
7 testimony?

8 A. Yes.

9 Q. Did you have any input as to what your budget
10 should be?

11 A. Not that I'm aware of, no.

12 Q. During your career at Abbott did you supervise
13 anybody?

14 A. No.

15 Q. Were you involved in developing any company wide
16 policies for Abbott?

17 A. No.

18 Q. Did you have any involvement in creating any
19 company wide advertising strategies for Abbott?

20 A. No.

21 Q. Did you have any involvement in creating any
22 company wide marketing strategies for Abbott?

23 A. No.

1 MR. DiCHIARA: That's all.

2 MS. KOH: Just one or two more questions.

3

4 REDIRECT EXAMINATION BY MS. KOH

5 Q. When you were visiting doctors did you have the
6 ability to decide what promotional piece you wanted to
7 use for that particular doctor?

8 A. You mean if there was more than one promotional
9 piece for a particular product, could I decide?

10 Q. Correct.

11 A. I would say yes.

12 Q. Do you believe that your visits with doctors had
13 had an influence on increasing market share at all?

14 A. Biggest influence is formulary and number of
15 variable factors. But as with any message that's heard
16 more than once, there's probably some kind of impact
17 with maybe some of the doctors, perhaps.

18 MS. KOH: Okay. That's all I have.

19 (Witness excused.)

20 (Deposition concluded.)

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22 ELIZABETH BEELE

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